

REMARKS

Amendments

Claims 1-55 have been canceled, without prejudice. New claims 56-70 have been added. Support for the claims may be found throughout the specification. In particular, support for claim 56 may be found, for example, at page 5, lines 15-27, page 9, lines 13-19, and page 17, lines 17-22, etc. Support for claim 57 may be found, for example, at page 9, lines 13-19, page 16, line 29 to page 17, line 4, and page 18, line 22 to page 19, line 6, etc. Support for new claims 58 and 66 may be found, for example, at page 9, lines 5-12, etc. Support for new claims 59 and 67 may be found, for example, at page 9, lines 20-26, etc. Support for new claims 60-62 and 68-70 may be found, for example, in Figure 9B and page 23, line 27 to page 24, line 12, etc. Support for new claims 63-64 may be found, for example, at page 5, lines 15-27 and page 17, lines 17-22, etc. Support for new claim 65 may be found, for example, at page 5, lines 15-27 and page 18, line 22 to page 19, line 6, etc.

The claim amendments introduce no new matter. Their entry is requested. Applicants expressly reserve the right to pursue any cancelled subject matter in this application or in subsequent applications that claim benefit of this application.

The specification has been amended to incorporate information originally presented in Figure 9B, far left column, into the figure legend for Figure 9B. This information was originally presented in Figure 9B in a column entitled "SEQ" and provided numbers for scFv clones referred to in the specification. The information in the "SEQ" column was removed from updated Figure 9B filed on August 23, 2005 but was present in the application as filed. The specification has been updated to correct the ATCC deposit date. The amendments to the specification add no new matter.

Restriction requirement

The Restriction Requirement issued July 26, 2006, divided the claims into Groups I-IV and required election of one group to be examined.

In order to be fully responsive and to comply with the pending election requirement, Applicants herein elect the invention presented by new claims 56-70, drawn to methods for determining whether a subject is afflicted with cancer, for further prosecution. Applicants submit that the subject matter of new claims 56-70, while fully supported by the specification as filed, does not fully correspond to any of Groups I-IV defined by the Examiner in the Restriction Requirement. Nonetheless, the new claims form a single group of claims organized according to the scheme set forth by the Examiner. Under MPEP §818.02(a) an election may be made by the presentation of original claims. Accordingly, Applicants submit that election of the new claims complies with the pending Restriction Requirement.

The Restriction Requirement additionally specifies an election of a group of light chain CDRs (selected from among groups A-C as described on page 3 of the Restriction Requirement) and a group of heavy chain CDRs (selected from among groups D-F). The Examiner notes that this additional restriction requirement is not an election of species. However, claims 57 and 65 (corresponding to cancelled claims 1 and 2) relate to an antibody or antigen-binding fragment thereof that specifically binds OX-2/CD200. Accordingly, claims 60 and 68 (corresponding to B and E), 61 and 69 (corresponding to A and D), and 62 and 70 (corresponding to C and F), which all recite antibodies and antigen-binding fragments that bind to OX-2/CD200, are drawn to species of generic and linking claims 57 and 65. Applicants therefore contend that this additional restriction should be an election of species for search purposes only.

Applicants provisionally elect, with traverse, Groups B (e.g., SEQ ID NOS: 12, 23, 37) and E (e.g., SEQ ID NOS: 55, 74, 93), corresponding to claims 60 and 68. Applicants request that, upon allowance of the linking claim, the Examiner rejoin the remaining groups of A, C, D and F and examine claims 61-62 and 69-70.

Applicants expressly reserve the right to prosecute non-elected subject matter in other applications claiming the benefit of priority from the present application.

The Examiner is invited to telephone the undersigned to discuss any issue pertaining to this response. Applicants request favorable consideration of the application and early allowance of the pending claims.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. A petition for a four month extension of time and appropriate fee is submitted concurrently herewith. Should any additional extensions of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945, under Order No. ALEX-P03-060.**

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Respectfully submitted,

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